

**REMARKS**

Applicant respectfully requests reconsideration in view of the amendment and following remarks. Support for newly added claims 22 -42 can be found in the original claims. More specifically support for newly added independent claims 22 and 23, can be found in the original claims 1, 2 and 3. Because claim 1 contained a different definition of "n" the applicant has defined "n" in claims 22 and 23 as n1 or n2. Support for the definition of n1 and n2 can be found in the specification in paragraph no. 57 of the published application. For the definition of Ar' for formula (IX) alkoxy has been deleted from the definition of R (now R<sup>3</sup>). The applicant has amended the claims to overcome the claim objections.

The applicant has cancelled 21 claims and added 21 claims. There are only three independent claims. The applicant believes that no additional fee is due. No new matter has been added.

Claim 7 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; Claim 1 stands rejected under 35 U.S.C. § 102 as being anticipated by Eichenberger et al. (U.S. Patent No. 4,053,617, hereinafter Eichenberger); Claims 1, 2, 4, 5, 11-13, and 18-21 stand rejected under 35 U.S.C. § 102 as being anticipated by JP 2002-097949 (hereinafter "JP '949"); Claims 6, 16, and 17 stand rejected under 35 U.S.C. § 102 as being anticipated by Yamashita et al.<sup>1</sup> (hereinafter Yamashita); Claim 1 stands rejected under 35 U.S.C. § 102 as being anticipated by Neumann (U.S. Patent No. 6,756,367); and, Claim 3 stands

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<sup>1</sup> Yamashita et al., "Synthesis and properties of Benzobis (Thiadiazole)s with Nonclassical pi-electron ring systems," Tetrahedron, Vol. 53, No. 29, Jul. 1997, pp. 10169-10178.

rejected under 35 U.S.C. § 102 as being anticipated by van Mullekom et al.<sup>2</sup> (hereinafter van Mullekom). The applicant respectfully traverses these rejections.

**REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

The outstanding Official Action has rejected Claim 7 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 has been cancelled and this rejection should be withdrawn.

**REJECTION OF CLAIM 1 UNDER 35 U.S.C. § 102**

Claim 1 was rejected under 35 U.S.C. § 102 as being anticipated by Eichenberger. Claim 1 was rejected under 35 U.S.C. § 102 as being anticipated by Neumann. Claim 1 has been cancelled. Therefore these rejections should be withdrawn.

**REJECTION OVER JP '949**

Claims 1, 2, 4, 5, 11-13, and 18-21 were rejected under 35 U.S.C. § 102 as being anticipated by JP '949. Claim 1 is now cancelled. Claim 2 is amended in a way that n is restricted to 3 for formula (II) (see newly added claim 22). This amendment is based on page 3, paragraph [0057] of the description, which discloses n being preferably 3. Formula (III) in claim 2 (now claim 22) remains unchanged. The rejection over JP '949 should be overcome as the

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<sup>2</sup> Van Mullekom et al., "Developments in the Chemistry and Band Gap Engineering of Donor-Acceptor Substituted Conjugated Polymers," Materials Science and Engineering, 32, 2001, pp. 1-40.

Japanese reference discloses only compounds of the formula (II) with  $n = 1$  or  $2$ . The applicant's claimed invention requires  $n_2$  is from  $3$  to  $10$ .

Claim 4 (newly added claim 24) is amended in a way that the definition of Ar (excluding benzene) is inserted from claim 7 into the definition of formula (V) in claim 24 (see the definition of  $Ar^3$ ). Formula (VI) in claim 24 remains unchanged. By this amendment, the rejection due to JP '949 should be overcome as the Japanese reference discloses only compounds with benzene as group  $Ar^3$  for formula (V). The applicant's claimed invention for formula (V) does not include benzene for the definition of  $Ar^3$ .

Claim 5 (now claim 24) is rejected as being anticipated by JP '949. The applicant respectfully disagrees. JP '949 does not disclose aryl-substituted benzothiadiazole derivatives, in which the aryl groups are substituted by two further aryl groups in the ortho-positions. For the above reasons, this rejection should be withdrawn.

#### **REJECTION OVER YAMASHITA**

Claims 6, 16, and 17 were rejected under 35 U.S.C. § 102 as being anticipated by *Yamashita*. Claim 6 (now claim 24) is amended in a way that alkoxy is deleted as radical R in the definition of formula (IX) (see the definition of  $R^3$  in claim 24). Formula (X) and (XI) in claim 24 remain unchanged. By this amendment, the rejection due to *Yamashita* should be overcome as *Yamashita* discloses only compounds which comprise alkoxy groups as substituents. For the above reasons, this rejection should be withdrawn.

**REJECTION OVER VAN MULLEKOM**

Claim 3 (now claim 23) is rejected under 35 U.S.C. § 102 as being anticipated by *van Mullekom*. Claim 23 is amended in a way that the definition of Ar<sup>1</sup> (excludes thiophene) is inserted from the definition of claim 7 into claim 23. By this amendment, the rejection due to *van Mullekom* should be overcome as *van Mullekom* disclose only thiophene as group Ar<sup>1</sup>.

For the above reasons these rejections should be withdrawn.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 14113-00017-US from which the undersigned is authorized to draw.

Respectfully submitted,

By

  
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